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09/899,681	07/05/2001	Walter Baltensperger	01-384	2666

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Gregory P. LaPointe  
BACHMAN & laPOINTE, P.C.  
900 Chapel Street, Suite 1201  
New Haven, CT 06510-2802

EXAMINER
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LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,681

Applicant(s)

Bultenepenger

Examiner

LAMB

Group Art Unit

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— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 4/12/2004

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 12 is/are allowed.

☒ Claim(s) 1-4 and 7-11 is/are rejected.

☒ Claim(s) 5-6 is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4/12/2004 ☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 4, 7 and 9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7-10 of U.S. Patent No. 6,695,031 (Baltensperger) in view of Thomas et al.

Baltensperger claims an adhesive station for binding stacked printed products by means of a liquefiable adhesive where the application station comprises an adhesive discharge system having the following elements: an application head for applying the adhesive over the entire width (g) of the slip surface with at least one elongated outlet opening for the adhesive; an adhesive reservoir that is formed as a pressure chamber; and means for generating a pressure in the adhesive reservoir for adhesive application. Baltensperger adhesive discharge system further comprises immediately adjacent to and extending along the outlet opening, a mechanically controlled or actuator controlled metering shaft of a metering device which is rotatable and includes a shaft opening/longitudinal slot in the metering shaft such that it connects the reservoir with the outlet opening in the working position. Baltensperger fails to claim in a rest position

the shaft opening in the metering shaft tightly seals the outlet opening. However, it would have been obvious the Baltensperger apparatus with internal valve member/metering shaft having a shaft opening/longitudinal slot which connects the reservoir with the outlet opening in the rest position since Thomas et al teaches an internal valve member/metering shaft having a shaft opening which connects the reservoir with the outlet opening in working position and seals the outlet opening in the rest position for the taught advantage of preventing drip of adhesive at the above cited rest position. With respect to claim 9, Baltensperger claims a sensor-controlled cartridge-heating cartridge arranged in one of the application head or reservoir. With respect to claim 7, Baltensperger claims a means for generating pressure in the adhesive reservoir from the group set forth in the claims. With respect to claim 4, Baltensperger claims the outlet slot is adjustable in width such that the slot is capable extending substantially across the entire width of the slip surface obviously via slot adjustment means. With respect to claim 3, Baltensperger outlet inherently has a depth and obvious to optimize such that it is within scope of claim for greater control of dispensing

Claims 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7-10 of U.S. Patent No. 6,695,031 ) in view of ,if necessary, Hess et al.

Baltensperger is applied for the reasons noted above. Baltensperger claims an integral accumulator, adjacent or proximate the application head and a means for generating pressure in the adhesive reservoir is formed within the accumulator such

that after each adhesive discharge an automatic pressure compensation is guaranteed. Baltensperger fails to claim the inside of the outlet opening and metering device form a tight –fitting air- tight seal. However, it would have been obvious to modify the Baltensperger apparatus such that metering device or valve body and inside of the outlet opening or valve body and inside of the outlet opening or valve seat forms a tight –fitting air tight seal since it is known to construct valve seal of a valve having a movable valve body such that it receives the valve body in a air–tight, sealing relationship and, if necessary, is shown by Hess et al for the obvious advantage of preventing liquid leakage (Hess et al at column 2 lines 4-13).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art Teaching in view of Baker et al. 3,811,405, Baker et al 3826,224, Staats et al and, if necessary, Hess et al.

Applicant's Admitted PAT via Jepson style claim format claims that in an adhesive application station for binding stacked printed products by means of adhesive that is known that the adhesive discharge system is comprised of an application head with a slip surface and application nozzle with an outlet opening, an adhesive reservoir and means for generating a pressure for adhesive application. Applicant's admitted PAT fails to teach the following: a metering device arranged adjacent the outlet opening

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sealed by an actuator; and a adhesive reservoir formed as a pressure chamber and integral accumulator which is arranged proximate or near the application head with means for acting on the adhesive reservoir such that after each adhesive discharge an automatic pressure compensation is guaranteed. However, Baker et al '405 teaches an adhesive application system comprising of a valve or metering device 26 for the application head 21 and the valve or metering immediately adjacent to the outlet opening. Baker et al shows the adhesive reservoir is formed as a pressure chamber and integral accumulator and inside the accumulator is formed as a pressure chamber and integral accumulator and inside the accumulator is formed means for directly acting on the adhesive reservoir such that after each adhesive discharge and removal of the article an automatic pressure compensation is guaranteed. Baker et al '405 fails to teach the metering device or valve can be sealed by actuator. However, Baker et al '405 teaches at column 3 lines 41-51 elements of the adhesive application system including the application head with nozzle are taught in grater detail in 06/192,862 or U.S. Patent 3,826,204 or Baker '224 which teaches the valve or metering device can seal off the inside chamber of application head or dispensing gun via an actuator or motor which is mounted on the gun in order to prevent the continued application or dispensing of the adhesive on the substrate. Therefore, it would have been obvious to modify applicant's admitted PAT by substituting its adhesive reservoir and means for generating a pressure for adhesive application with the Baker et al '405 adhesive reservoir and means for generating pressure for adhesive application since it is known to use hot melt adhesive applicator to apply a bead of adhesive in a book binding

process such as taught by Staats et al and obvious to so for the taught advantage of the Baker et al '405 adhesive discharge system to even out pressure variation within the dispensing step so as to increase the uniformity of the bead with a outlet opening by providing a metering means immediately adjacent the outlet opening and such metering element or valve can be sealed by an actuator or motor since Baker et al '405 teaches using an applicator head such as in Baker et al '224 and such applicator head has a valve movable via a motor or actuator to a position to seal the applicator head and prevent further dispensing of adhesive onto the substrate. Finally, it have been obvious given the modified applicant's admitted PAT application head with a metering means/valve body adjacent the inside of the outlet opening which forms the valve seat for the valve body to arrange valve seat relative to the valve body so as to form a tight-fitting, air-tight there between since it is known to construct valve seat of a valve having a movable valve body such that it receives the valve body in a tight-fitting, air-tight sealing relationship and, if necessary, is disclosed by Hess et al for the obvious advantage of preventing liquid leakage (see Hess et al at column 2 lines 4-13).

Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art teaching (PAT) in view of Thomas et al.

Applicant's Admitted PAT via Jepson style claim format claims that in an adhesive application station for binding stacked printed products by means of adhesive that it is known that the adhesive discharge system is comprised of an application head with a slip surface and application nozzle with an outlet opening, an adhesive reservoir and means for generating a pressure for adhesive application. Applicant's Admitted

PAT fails to teach a metering shaft of a metering device arranged adjacent the outlet opening sealed by an actuator. However, it would have been obvious to modify Applicant's admitted PAT apparatus by providing the application head with a rotatable internal valve member/metering shaft having a shaft opening/longitudinal slot which when rotated in a working position connects the reservoir with the outlet opening in working position and when rotated from a working position to a rest position the internal valve member/metering shaft would have sealed the outlet opening such as disclosed by Thomas et al for the taught advantage of preventing drip of adhesive at the above cited rest position and obvious to use an actuator to rotate the metering shafts. With respect to claim 3, Thomas et al shows in Figures 4-5 the outlet opening has depth but fails to teach the size of the depth dimension of the outlet orifice. However, it would have been obvious to provide the orifice opening with a depth in applicant's modified applicator head and the depth of the outlet orifice such that it is within the scope of the claim for greater control of application of adhesive to the substrate by arranging the outlet of the outlet opening in close proximity to the metering means. With respect to claim 4, it would have been obvious given the applicant's modified applicator head to extent the width of the elongated outlet such that it extends substantially over the entire width of the slip surface for the obvious advantage of enabling one to apply coating across the entire width of the slip surface if desired.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted Prior Art Teaching (PAT) in view of Thomas et al and Baker et al 3,811, 405.



Applicant's PAT and Thomas et al are applied for the reasons noted above, but each fails to teach the means for generating pressure in the adhesive reservoir. However, it would have been obvious given the modification of applicant's PAT as discussed above to generate pressure in the adhesive reservoir using a mechanical means which includes a plunger and has structure within scope of the claim 8 such taught by Baker '405 for the obvious advantage of enabling one to control pressure of coating to be applied to the substrate. With respect to claim 9, Baker et al '405 teaches a sensor –controlled heating cartridge for the adhesive reservoir (see column 6, line 30-51). With respect to claim 10, it would have been obvious given the modification of Applicant's Admitted PAT apparatus that the adhesive in the rest position would not come into contact air until the Thomas et al metering shaft is rotated into the working position.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admitted Prior Art Teaching (PAT) in view of Thomas et al and ,if necessary Hess et al.

Applicant's PAT and Thomas et al are applied for the reasons noted above but fails to teach a tight-fitting, air-tight seal. However, it would have been obvious given the modifications of Applicant's PAT as discussed above to arrange the valve seat, area of the applicator immediately surrounding the orifice opening, relative to the valve body or metering shaft such there is a tight-fitting, air-tight seal there between since it is known to construct valve seat of a valve having a moveable valve body such that it receives the valve body in a air–tight, sealing relationship and, if necessary, is shown by Hess et

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al for the obvious advantage of preventing liquid leakage (Hess et al at column 2 lines 4-13).

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 allowed.

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

B. A. Lamb/af

July 23, 2004



**BRENDA A. LAMB**  
**PRIMARY EXAMINER**